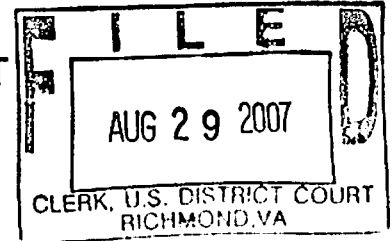


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**



DAWN M. NOEHL
Plaintiff,

v.

CASE #:3:07-CV-512

JURY DEMANDED

Chaplin & Papa, PC
d/b/a Chaplin & Gonet
Serve: Richard F. Gonet
406 W. Broad St.
Richmond, VA 23220

and

C. Carter Wailes, Esq.
Serve: c/o Chaplin & Papa, PC
406 W. Broad St.
Richmond, VA 23220

Defendants.

COMPLAINT

Comes now your plaintiff, by counsel, and for her complaint respectfully represents as follows:

PRELIMINARY STATEMENT

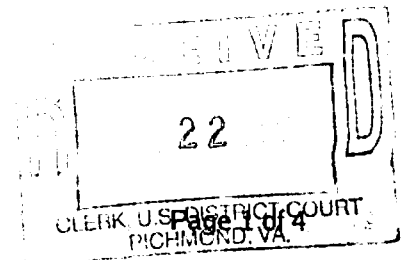
1. This is an action by a consumer seeking actual, statutory and punitive damages, attorneys fees and costs and for declaratory and injunctive relief for Defendants' violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter "FDCPA")

JURISDICTION AND VENUE AND JURY DEMAND

2. This Court has jurisdiction pursuant to 28 U.S.C. §1331, and the Fair Debt Collection Practices Act, 15 U.S.C. §1692k. Declaratory relief is available pursuant to 28 U.S.C.

§§2201 and 2202.

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3. Venue is properly laid in this district pursuant to 15 U.S.C. §1692k, and 28 U.S.C. §1391(b) and (c).
4. **Plaintiff hereby demands a trial by jury. Fed.R.Civ.Proc. 38.**

PARTIES

5. Plaintiffs are natural persons and are residents of the Commonwealth of Virginia. Plaintiff is a "consumer" within the meaning of the FDCPA, as defined in 15 U.S.C. §1692a(3).
6. Upon information and belief, Defendant, Chaplin & Gonet, PC doing business as Chaplin & Papa. (hereinafter "CPG") is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a(6).
7. Upon information and belief, Defendant C. Carter Wailes, Esq. (hereinafter "Wailes") is an attorney working for CPG, and is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a(6).

FACTS

8. Plaintiff had a debt with May Physical Therapy, incurred in 2002.
9. Defendant sent an initial collections letter (which complied in all respects with 15 USC 1692g) on August 4, 2006, addressed to her address at *** Dolin St., Hopewell, VA, 23860. ('Exhibit 'A', redacted to comply with e-government act and local rule)
10. Plaintiff communicated with defendant by Certified mail, return receipt requested, identifying her address as *** South 13th Ave, Hopewell, VA 23860 (Exhibit 'B', redacted to comply with e-government act and local rule)
11. Defendant communicated by mail to plaintiff a response to the address plaintiff had provided (exhibit 'C', redacted to comply with e-government act and local rule), apparently

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in an effort to comply with the requirements of 15 USC 1692g(b). It is NOT contended that defendant violated this section.

12. Defendant then filed a "Warrant in Debt", a claim in Chesterfield, Virginia General District Court, using the address of *** Dolin St., Hopewell, VA 23860. (Exhibit 'D', redacted to comply with e-government act and local rule)

13. Defendant caused the Warrant in Debt to be served at the address on the Warrant in Debt, at the address that defendant knew that she did not live at.

14. Defendant caused the Warrant in Debt to be served for the purposes of obtaining a judgment without actual service of the suit on the judgment debtor.

15. This caused the plaintiff great embarrassment, humiliation, and emotional distress.

CLAIM FOR RELIEF AGAINST CHAPLIN & PAPA, PC D/B/A CHAPLIN & GONET

16. Plaintiff restates and realleges paragraphs 1-15.

17. Defendant has violated the Fair Debt Collection Practices Act in that they:

- a) Filed a suit which was time barred, in violation of 15 USC 1692e(2)(a).
- b) Intentionally served the lawsuit on an address known to be not that of the plaintiff, in violation of 15 USC 1692e, 1692e(10), 1692f

18. Plaintiff is entitled to actual damages, statutory damages, attorney fees and costs, pursuant to 15 U.S.C. §1692k.

CLAIM FOR RELIEF AGAINST C. CARTER WAILES, ESQ.

19. Plaintiff restates and realleges paragraphs 1-15.

20. Defendant has violated the Fair Debt Collection Practices Act in that they:

- a) Filed a suit which was time barred, in violation of 15 USC 1692e(2)(a).
- b) Intentionally served the lawsuit on an address known to be not that of the plaintiff, in violation of 15 USC 1692e, 1692e(10), 1692f

21. Plaintiff is entitled to actual damages, statutory damages, attorney fees and costs, pursuant to 15 U.S.C. §1692k.

WHEREFORE, Plaintiff demands judgment in an amount to be determined by the court for compensatory damages and Statutory damages against Defendants; for their attorneys fees and costs; for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable and proper.

DAWN M. NOEHL

/s/ Jason M. Krumbein, Esq.

Jason M. Krumbein, Esq.

VS#43538

Counsel for the Plaintiff

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